

Region 1 – Goal 5

EPA New England State & Tribal Issues/Priorities for Goal 5

1. How information was gathered:

States: At the September 14, 2005 Quarterly Meeting of the New England State/EPA Enforcement and Compliance Committee, New England states received copies of the solicitation email from Kathy O'Brien and were urged to review and to give comments; similarly urged to participate in any New England Interstate meetings on this topic; and finally, urged to participate in an information call being hosted by the EPA New England Deputy Regional Administrator's Office. Additionally, some topics were discussed at meetings with FOSTTA (a state and tribal advisory committee to OPPTS) and the National Pollution Prevention and the Toxics Advisory Committee (NPPTAC), a FACA group that includes state representation, as well as industry and NGOs.

Tribal: Over the last two years, Region 1 tribes have developed a regional tribal strategic plan, which was used along with review of more recent information that was gathered from the tribes by the Region 1 Tribal TOC representative.

2a. Summary of key State issues/priorities:

Issue 1: Grant flexibility to use alternative compliance approaches:

EPA's requirements for the use of federal RCRA funds focuses on site-specific inspections of facilities that generate, treat, store and/or dispose of large quantities of hazardous waste. This approach has remained essentially unchanged since the dawn of the RCRA program in the late 1970's, and federal funding levels have remained nominally level over the last decade. Similarly, EPA specifies the frequency with which "major" facilities in other media programs (air, drinking water, NPDES dischargers) should be inspected. Over the last several years, one New England state has found consistently that, while government oversight is still required for these facilities, firms that generate small and moderate quantities of hazardous waste, and air & water pollution, have many more serious compliance problems, and are more likely to pose a significant risk of harm to public health and the environment. This state urges EPA to embrace the use of risk-based and environmental results-based alternative approaches to ensure that polluters of all sizes are minimizing impacts and potential impacts on the environment and complying with regulatory requirements. This should include explicit recognition of state approaches that produce documentable environmental results, such as the Massachusetts Environmental Results Program (ERP). Recognition should take the form of allowing reduced levels of inspections for major facilities and explicit credit for approaches that focus compliance efforts on generators of smaller volumes of waste/pollution.

Potential impact of alternative compliance approaches: Adopting this recommendation necessitates changes in Goal 5 and program targets, means, and strategies.

Prevalence for alternative compliance approaches – A majority of our New England states have implemented ERP or ERP-like programs, with some of these funded on a pilot basis by OECA (ME – Tanks ERP, MA – ERPs for Dry Cleaners, Printers and Photo Processors, NH – RCRA Partial Compliance Inspection Program, RI - Tanks ERP, VT – Auto Body ERP). Additionally, this issue is included in the Multi-State Initiative on Common Business Sector Performance Measures, an effort coordinated by the Northeast Waste Management Officials Association (NEWMOA) for the 6 NE states and New York.

Issue 2: Recommit to institutionalize P2 across EPA:

OPPT should take steps to develop a vigorous high-level Agency leadership commitment to P2. Developing the commitment should include an Agency-wide P2 vision and a revised P2 strategy consistent with the P2 Act, as well as the institutionalization of more rigorous evaluation practices concerning P2 results. OPPT should take a management system approach to its P2 activities (e.g., Plan-Do-Check-Act). OPPT should also use this approach to work with other offices across EPA and the Regions. These efforts should ensure that P2 is incorporated into measurable environmental goals, on-going evaluation is conducted, and outcomes are used to direct future work. Implementation will require action from the Administrator and other senior Agency leaders to oversee the execution of the P2 vision and revised strategy, as well as advocate for that vision and strategy at all levels of the organization. This issue needs to be addressed beyond Goal 5 of the Agency's Strategic Plan and be fully incorporated into Goals 1 – 4.

Potential impact of institutionalizing P2 across EPA: Adopting this recommendation necessitates changes in Goal 1-5, in objectives, sub-objectives, targets, means and strategies.

Prevalence for institutionalizing P2 across EPA - 1) FOSTTA (a state and tribal advisory committee to OPPTS) expressed support for more integration at their joint meeting with the Multimedia Pollution Prevention Committee (M2P2). 2) The National Pollution Prevention and Toxics Advisory Committee (NPPTAC) is a FACA group that includes state representation, as well as industry and NGOs. The description above is one of the recommendations from their P2 Committee to the Administrator, sent this past June. 3) A summary of a 2004 ECOS recommendation from the *05-27-04 National Pollution Prevention Roundtable*. At their meeting in Hot Springs, Arkansas, (April 18-20), ECOS members adopted a resolution entitled 'Promotion of Pollution Prevention in Partnerships (P4).' The Resolution states: "ECOS calls on EPA to increase and enhance its efforts to promote and **institutionalize pollution prevention through** funding, research, individual environmental program implementation

strategies, and in **its overall strategic plan**; and Furthermore, EPA cooperate with States, to continue to use the ECOS Cross-Media Committee, M2P2, NPPTAC, NPPR, IAC, CEI and FOSTTA to **promote pollution prevention (source reduction) guiding principles throughout all EPA programs**; and Furthermore, ECOS, in partnership with EPA, will explore and recommend enhanced strategies to reaffirm that pollution prevention is central and core to the mission and strategic goals of state, regional and national environmental protection programs.”

2b: Summary of key Tribal issues and priorities:

General Assistance Program for Tribes to continue to build capacity, including solid/hazardous waste implementation.

Environmental education for Tribal members.

Pollution Prevention- Tribal operations, green buildings.

Potential impact of Tribal issues: Adopting these recommendations may necessitate changes in Goal 5 and program targets, means, and targets.

Prevalence for Tribal issues – These issues have been developed by all Tribes in New England as part of the regional Tribal Strategic Plan.

Region 2 – Goal 5

Region 2 State and Tribal Input to EPA Strategic Plan

Goal 5

How information was gathered:

Region 2's Regional Administrator solicited comments from the State environmental commissioners in New Jersey, New York, Puerto Rico and the Virgin Islands and from the leaders of the seven federally recognized tribes in New York State. States and tribes were provided background information on EPA's revision of its Strategic Plan and were asked a series of questions designed to elicit comments, by goal, on their priorities, emerging issues, priorities that should be added or deleted from the Agency's plan, and any other advice they might have for the Goal Teams. Additionally, all of our staff that interact with their state/tribal counterparts (such as our Tribal coordinator, NEPPS and PPG coordinators, enforcement coordinators, etc.) were encouraged to solicit feedback regarding the Agency's strategic plan revision. We also committed to engage in an ongoing dialogue about priorities with our state and tribal partners, both as the Agency's strategic plan revision proceeds and when we revise our regional strategic plan next year. We received comments from the New York State Department of Environmental Conservation (NYSDEC), the Puerto Rico Environmental Quality Board (PREQB), the Virgin Islands Department of Planning and Natural Resources (VIDPNR) and the Haudenosaunee Environmental Task Force (HETF), representing the Onondaga Nation (the HETF comments were also endorsed by the Tuscarora Nation).

General Comments on EPA Strategic Plan:

NY stated that the current targets in the current EPA plan at least generally have quantifiable measures for performance that are associated with goals the public can understand. NY suggests that in light of increasingly tight funding, the priority for more cost effective investment in recognizing and providing incentives for sustainable businesses going beyond minimum compliance, pollution prevention and product stewardship should be part of retooling the base regulatory programs, not just an add-on with no funding (i.e. a separate Goal 5.) This is fundamental to the architecture of the 5 goals. The regulatory flexibility necessary to achieve these gains is not evident in the policies of OECA, EPA funding rules nor even the targets established for the media programs in the plan. Current incentives and self-audit policies are also weak, at best. Alignment across EPA offices to support strategic plan goals is critical, otherwise states perceive EPA as speaking with too many different voices on strategic priorities.

Regarding implementation of the strategic plan, NY states that while the states do the majority of work in implementing the goals of the plan, EPA funding to states continues to be cut or unavailable, for example water and wastewater

infrastructure, the Resource Conservation Challenge (RCC) initiative, pollution prevention. Fiscal realities undermine the credibility of the commitments made within the strategic plan. Unilateral rescission of grant funding to states, absent a dialogue, is not an approach consistent with the partnership commitments made in the plan.

NY states that EPA has not taken leadership on targets for which a federal lead is most critical because they affect national markets or global transport considerations (e.g. global warming, mercury, electronics waste). This further erodes the credibility of strategic commitments in the plan. These credibility issues ultimately affect the extent to which states will choose to comment on or participate in the strategic planning efforts. NY mentions concern regarding the unknown effects of nanotechnology product expansion in the environment (can affect several goals across media).

The HETF commented that the Strategic Plan should reflect Administrator Johnson's reaffirmation of government-to-government relationships with Nations in the agency Overview and throughout all Goals. Additionally, HETF suggested that EPA should recognize the jurisdiction and interests of the respective Indian Nations in aboriginal territory (i.e., land claim areas). Other comments from HETF are that tribal grants should limit the required matching funds and should provide flexibility to reallocate grant monies to better meet needs; EPA's budget solicitations should include Tribal Consortia (e.g., HETF); and there needs to be better turnaround time by EPA on award notice and money drawdown.

Data concerns arose such as PREQB's suggestion that EPA establish partnerships with local authorities to develop and distribute updated and comprehensive maps on all sources of water and environmental resources in Puerto Rico, for example: Groundwater wells, Surface Water Intakes, Fisheries and Threatened and Endangered Species by geographical area. (Note, this is a national issue as GIS data acquisition is done centrally by the Agency).

Regarding energy, NYSDEC states that EPA's current five-goal architecture does not readily provide for energy considerations as a major goal. The quest for renewable energy resources under the Governor's Renewable Portfolio Standard, the expansion of the Green Building Tax Credit Program, the recognition of energy savings accomplishments in the New York Environmental Excellence Awards and Environmental Leaders programs, DEC's role in NYS energy planning and energy security are all priorities relevant to energy which have direct implications for resource consumption, pollution and homeland security. Notwithstanding scattered references to energy conservation, the energy issue has too many environmental implications to be largely deferred to other federal and state energy agencies. The Puerto Rico Environmental Quality Board also suggests that EPA address issues associated with investigating and developing new sources of energy. The Virgin Islands also comments that there is limited focus on energy. Energy conservation should be of higher priority.

The Virgin Islands DPNR finds EPA's current five-goal architecture adequate to capture priorities with the caveat that sufficient support is available on Caribbean issues. VIDPNR commented that global warming and energy conservation are its highest priority issues. Also, it is important to include the Virgin Islands in national programs such as EMAP and Global Change (where they currently are not reflected).

Comments Specific to Goal 5:

Regarding Indian General Assistance Program, HETF suggests that GAP “2” needs to be designed and funded as a an implementation program, going beyond its current mission of capacity building. Also, EPA should fund certification training for Tribal environmental staff.

NYSDEC and NEWMOA (Northeast Association of Waste Management Officials Association) have developed a database under EPA grant for use by states in tracking performance measures in pollution prevention and compliance assistance. The relevant targets identified in Goal 5 re: Compliance and Environmental Stewardship should be aligned to the extent possible with these measures, as this is where at least some data to support progress of this goal is likely to come from.

Region 3 – Goal 5

Region 3, Goal 5: State Regional Issue/Priority Paper

1. Information Gathering: Region 3 hosted a multi-state conference call on September 13, 2005 to discuss overall priorities and met with each Region 3 division director. In addition, state issues and priorities were solicited during the year through bi-annual meetings with State Secretaries in the Fall and Spring and through EPA/state planning meetings. Information is gathered within the media specific programs in several different ways such as: 1) state enforcement meetings; 2) state planning conference calls; 3) state enforcement calls; and 4) Performance Partnership Agreements.

2. Description of Key State Issues/Priorities (Most prevalent among states):

- Wet Weather: understanding impact of wet weather on Combined Sewer Overflows (CSOs)/Storm Sewer Overflows (SSOs) in an era of increasing amounts of impervious surfaces
- Multi-Media/ Holistic Approach: Collaborating on multi-media solutions to identified environmental problems
- Financial Assurance
- Water quality/impaired waters
- Safe Drinking water
- Air quality/nonattainment areas
- Wetlands

Comments on Strategic Plan Architecture:

- Needs to be stronger link between Goal 1 and Goal 5. Air enforcement supports air quality, would like to see integrated into Goal 1.
- Currently, Goal 2 (mainly the Office of Water) and Goal 5 (mainly the Office of Enforcement and Compliance Assistance) subobjectives, targets, and measures do not support or compliment one another. There needs to be some common language in Goal 2 and Goal 5.
- Move Waste Minimization/Pollution Prevention from objective 5.2. to be with Resource Conservation Challenge in subobjective 3.1.1, Reduce Waste Generation and Increase Recycling, because Waste Minimization/Pollution Prevention is related to Resource Conservation Challenge.
- Consolidate objectives 5.1: Improve Compliance and 5.2: Improve Environmental Performance Through Pollution Prevention and Innovation. If they are not consolidated, the language in these two objectives needs to make more distinctions between these objectives.

Region 4 – Goal 5

Region 4 Goal 5 State and Tribal Regional Issue/Priority Paper

How information was gathered

The Region sent a letter to the State Commissioners and Tribal Chiefs requesting their input on the Strategic Plan and their program priorities. Additional discussions were held between our Region 4 programs and their State counterparts. We received input from the States of North Carolina, Georgia, Florida, Alabama, Kentucky and Tennessee.

Description of key state issues/priorities

The major consistent theme among the six States which commented on enforcement issues is to give greater emphasis to compliance assistance, compliance incentives and a variety of innovative approaches to enforcement. These approaches, which are listed below by State, are being used in cooperation with effective basic enforcement programs. Two of our States specifically requested that Goal 5 be eliminated and the associated activities be incorporated into the remaining 4 goals. The other States did not make specific comments concerning the architecture.

TN

Improve compliance

- Implement incentives (monetary and regulatory) that encourage the regulated community to go beyond compliance.
- Enhance and expand TN's initiative to reduce unnecessary regulatory requirements while continuing to maintain adequate and effective controls.

Improve Environmental Performance through P2 and innovation.

Incorporate these approaches throughout the Strategic Plan.

- Implement an ISO 14001 compliant EMS in 10% of TN State Parks

Enhance Science and Research

AL

Preserve air quality improvements already accomplished by increasing number of unannounced on-site audits of emission levels, and, as appropriate, stack tests.

Annually inspect every underground storage tank (UST) installation in a groundwater source water assessment area.

Inspect 100% of CWA majors per year or the equivalent coverage or a combination of major and minor facilities.

NC

NCDENR supports the ECOS letter dated July 20, 2005, from Steve Thompson, President of ECOS, to Stephen Johnson, Administrator, EPA, that recommended moving the compliance and enforcement elements of goal five into the other four goals. Should EPA retain goal 5, NCDENR includes the following priorities:

1. Environmental Stewardship Initiative (ESI)-NCDENR sponsors a program now in its third year, to recognize organizations committed to adopting meaningful environmental goals and demonstrating behavior that is "beyond compliance". The ESI helps organizations develop functional environmental management systems (EMS) to realize true environmental stewardship. NCDENR is managing ESI to align with EPA's Performance Track Program. These programs help achieve voluntary reductions beyond those required and often in non-regulated areas.

2. Pollution Prevention Integration - NCDENR would like to see EPA use pollution prevention strategies to meet targets under each EPA goal, as well as help implement the Pollution Prevention Act and the EPA Administrator's P2 Policy Statement. Incorporating stewardship and pollution prevention into the core media programs may be beneficial to states as OECA moves to adopt the "State Review Framework" and its 13 elements. Currently elements 1-12 must be fully met before work related to optional element 13 will be considered. This seems a disincentive to states who need flexibility to work on innovative programs.

3. Sedimentation Pollution-North Carolina has a continuing priority to strengthen enforcement against sedimentation pollution. As the state economy grows and development continues, sedimentation impacts on water quality only increase.

4. Enforcement Strategy-NCDENR will maintain a strategy that has been put in place during the last three years to:

- have strong, fair and effective enforcement in all 21 enforcement programs
- remove legislative restrictions to the amount of penalty money NCDENR can retain as cost recovery (previously capped at 10% of the penalty amount)
- institutionalize a departmental enforcement training program that covers civil and criminal options
- produce an annual compliance report with key enforcement/compliance assistance measures

FL

Inspect each public water supply system on average at least once every two years.

Ensure that critical facilities impacting water are under permit, in compliance or under a compliance schedule.

Continue to maintain a strong and effective environmental enforcement program as the population and number of regulated facilities increase

- enhance the use of information technology
- establish a valid statewide method for determining the rate of compliance in key industrial sectors
- reduce average amount of time from SNC to formal enforcement
- integrate enforcement actions across media and regulatory programs

KY

By January 1, 2006, establish an Environmental Leadership Program that encourages entities to exceed minimum regulatory expectations and to maximize their positive environmental impacts

Implement a formalized compliance assistance program that assists entities in their efforts to understand and comply with Kentucky's environmental requirements.

Implement fair and consistent enforcement activities to ensure minimum standards are met at regulated entities

Region 5 – Goal 5

**State and Tribal Regional Issues/Priorities
in regard to the
Revision of the U.S. EPA's 2006 – 2011 Strategic Plan**

**Region 5
Goals 1, 3, 4, and 5**

How information was gathered

Region 5 sought input from the states in the Region through a direct solicitation to the state members of the Region 5/State Planning Work Group and through program to program contacts between Region 5 program managers and their state counterparts. Region 5 sought input from the tribes in the Region through a direct solicitation to the environmental coordinators for each tribe and through discussion in the Regional Tribal Operations Committee.

Description of key state and tribal issues/priorities

None of the Region 5 states or tribes has, to date, identified any issues or priorities for the revision of the U.S. EPA's strategic plan for 2006 – 2011.

US EPA REGION 6 - - INPUT ON STATE/TRIBAL ISSUES/PRIORITIES

Goal 5: Compliance and Environmental Stewardship

1. How information was gathered. Letters were sent to the Directors of R6 State Environmental Agencies requesting their review of the current EPA Strategic Plan and the identification of any new or emerging issues that are not adequately addressed in the current plan. The Director of the Office of Tribal Affairs contacted tribes to ask for the same input. The Texas Commission on Environmental Quality (TCEQ) submitted written comments in response to this request.
2. Description of key state issues/priorities.
 - a. Short description of the issues/priorities.
 - i. Goal 5 (Compliance and Environmental Stewardship)–TCEQ supports the suggestions provided to EPA by ECOS earlier this summer regarding this goal. "For the upcoming Strategic Plan, ECOS encourages you to complete this transition to a public health and environmental outcome focused Plan by moving the elements of current Goal 5 into the other four existing goals _ Air, Water, Land and Healthy Communities and Ecosystems. The critically important functions of compliance and enforcement are essential tools to achieve the environmental ends that we seek, but they are not the ends themselves.

The compliance and enforcement programs and activities in Goal 5 should be integrated with the programs contained in the other four goals. Making this change would allow compliance and enforcement to be more closely linked to the critical functions such as monitoring, inspecting, permitting, rulemaking, and standard setting for each relevant program contained in the other goals. Pollution prevention objectives and activities currently in Goal 5 should also be moved into each of the other goals and relevant programs in a way that makes them an integral element of the strategic approach used the address our environmental challenges. Likewise, environmental stewardship activities in Goal 5 should also become a key ingredient in the other four goals."
 - ii. Sub-Objective 5.1.1 (Compliance Assistance)–TCEQ would like to work together with EPA to identify the targets of investigation initiatives with sufficient advance notice that compliance assistance outreach campaigns can be

conducted for small businesses and local governments well before actual investigations begin.

The Strategic Plan also notes that the "Small Business Compliance Policy has recently been modified to encourage greater participation by small businesses." The requirement that notification be provided within 21 days of discovery is still too limiting for many small businesses and local governments. It is difficult to gain this permission in the limited 21_day time frame.

- iii. Sub-Objective 5.2.3 (Business and Community Involvement)–TCEQ believes that the Strategic Plan should more clearly state that small businesses and local governments should be provided tailored incentives.

The EPA should broaden its incentives to encourage the use of environmental management systems (EMSs) and performance_based strategies to smaller facilities and local governments, such as streamlined permitting, which would provide reduced review time and assistance with preparing the permit.

- iv. Sub-Objective 5.2.3 (Business and Community Innovation)–TCEQ supports the National Environment Performance Track (NEPT) program and encourages EPA to consider additional incentives to improve environmental performance. TCEQ submitted comments to EPA on its Advanced Notice of Proposed Rulemaking relating to Hazardous Waste Generator Program Evaluation (Docket Number RCRA 2003_0014) urging EPA to allow NEPT members to consider by_products as co_products under specified conditions, and when the management of the material can be shown to be as protective of the environment. This could allow the option of burning material that were previously defined as by_product for beneficial heat recovery, encouraging higher reuse and reducing fuel usage.

- b. Potential impact to a specific Agency program or activity and its relevance to the national Strategic Plan. How might this issue/priority translate into a change in the architecture (objectives, sub-objectives, targets)? Means and strategies?

- i. Goal 5–This comment proposes to incorporate the current activities contained in Goal 5 into the other goals in the Strategic Plan. This would eliminate Goal 5 and would require a significant change in the current architecture of the Strategic Plan.
- ii. Sub-Objective 5.1.1–The first comment is supportive of the current sub-objective. The latter comment would not require

- a change in the architecture of the current Strategic Plan. It would, however, require a change in current EPA policy.
- iii. Sub-Objective 5.2.3—This comment would not require a change in the architecture of the current Strategic Plan. It would, however, require a change in current EPA policy.
 - iv. Objective 5.4—This comment would not require a change in the architecture of the current Strategic Plan. It would, however, require a change in current EPA policy.
- c. Prevalence of the issue among the states and/or tribes in the region. The issues outlined above were submitted only by the State of Texas.

REGION 7 STATE/TRIBAL INPUT TO EPA STRATEGIC PLAN

Goal #5.

Source of Input: Region 7 convenes a meeting of the state environmental directors twice yearly. The issue of joint planning & priority setting is always foremost on the agenda. In this way, every six months we verify the continuing validity of existing priorities and general environmental issues that were established in the development of the state PPA (All region 7 states have PPAs & PPGs with both state environmental and agriculture departments). These discussions are also held at the program level annually as regional and state program counterparts negotiate the work plans for PPGs and other discrete environmental grants.

Tribal priorities and concerns are also developed and verified on an ongoing basis. Senior management meets quarterly the ROC, and these meetings are supplemented by monthly conference calls in which all 7 tribes participate. Field visits by regional staff average at least one per month. Planning & priority setting are always part of the visits. In addition, four of the tribes have PPGs and these comprehensive work plan negotiations generate a plethora of information regarding crucial tribal issues.

Finally, on September 20, 2005 Region 7 convened a 90 minute conference call of the Regional Planning Council which included planning representatives of all the states & tribes to discuss specifically this OCFO exercise.

Overarching Concerns About EPA Plan: We began with general comments. IA opened with the comment that the EPA Strategic Plan, 2003-2008, is entirely too long. The others were in agreement that 239 pages is too much. It was proposed that if the current length is required to satisfy GPRA, the OMB and the Congress, then a shorter, more user friendly version might be developed for public consumption and broad management purposes. Most participants felt that the plan was not remotely strategic, but was a five year operating plan. NE commented that national priorities shouldn't drive regional priorities and cited as an example the absence of blue-green algae (which is a real priority for NE). Another was "small communities." It was observed that the language was present in the plan, but concrete action and projected results were absent. The plan needs to permit the flexible development of local strategies. While they agreed that this is technically possible, the reality seems to be overshadowed by the national emphasis. The general view was that we have what is allegedly a "bottoms up" process but a "top down" product. MO remarked that the measures were difficult to interpret. Do they represent targets that are aggregated nationally or one target to be met in each state?.

The Tribal rep. remarked that the environmental problems encountered by the tribes were not specifically reflected in the plan. However he said that the National Tribal Council (NTC) had no specific recommendations at the moment. It was merely an observation.

MO said that we desperately need a unified, simple reporting system so that what we're accomplishing gets recorded. The other states and the tribes heartily agreed. This point came up several times in slightly different contexts.

Several states noted that there are too many activity measures (more like an operating plan than a strategic plan). Need to have a few key measures and leave the nitty-gritty to the states. (This relates to the general comment regarding the length of the plan.)

In conclusion, there was a fairly unanimous opinion that the Plan had little relevance for the states & tribes. What counts is the money, and it is difficult to see a clear connection between the plan and the budget. The Agriculture interests in the region also feel that any strategies, but particularly those which feature "Stewardship" (which stresses individual responsibility) demand a greater stress on timely and relevant stakeholder communication regarding regulations and practices.

Specific to Goal 5: All states strongly believe that enforcement activities should be removed from Goal 5 and placed in their related programs. However, they believed that the Compliance Assistance activities should remain as a function of "Stewardship" in Goal 5. In this same vein, everyone believed that states and tribes should be more clearly recognized as the operating entities that accomplish most of the work in the plan. They further believe that the overall EPA budget should reflect this.

Region 8 – Goal 5

Goal 5: Compliance and Environmental Stewardship

Synthesis of State and Tribal Priorities and Issues --- U.S. EPA, Region 8

1. Information source: Information from states was solicited in a memo from Region 8's State Assistance Program to State Environmental Directors, State Planning Contacts, and State Agriculture Program Directors. Performance Partnership Agreements (PPAs) were also used to gather initial information on state priorities. Information from tribes was gathered at the Regional Operations Committee's (ROC) Quarterly Meeting.

2. Description of state and tribal issues and priorities:

Standardization of Enforcement Actions: State challenges with respect to compliance include standardization of department actions in different regions of the state and between programs; making sure that similar situations are handled in a similar manner regardless of what part of the state they happen in or which division is dealing with the out-of-compliance condition. This issue is complicated by differing geographical boundaries for different programs and differences in federal and state statutes for the different programs. While some of the differences cited above are beyond our control, there are ways for states to deal with many of these challenges on our own. One part of this process is training inspectors to properly document permit violations to improve support for recommended penalties. Increased staff training and coordination is underway to identify standards for recommended compliance actions that to the extent possible will be common to all programs and office locations. Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 5.1.

Standardization of EPA - State enforcement agreements: EPA and states have individual, media-specific enforcement agreements for each program. The agreements describe state commitments for timely and appropriate enforcement actions, however the required type of action and timeframes vary between media programs. One state and EPA conduct enforcement under a Consolidated Cooperative Enforcement Agreement that contains consistent requirements for timely and appropriate enforcement for all programs. State and/or tribal management and tracking of enforcement activities would be easier if states operated under one, consistent set of timely and appropriate criteria. Although this state issue is not expected to influence the architecture of the Strategic Plan, it could be discussed in the means and strategies discussion of Objective 5.1.

Tribal involvement in NEPA reviews: It is a tribal priority that NEPA reviews consistently consider impacts to cultural resources, traditional sites and practices, whether on or off reservation, and mitigate as necessary to protect

them. Tribes need NEPA capacity building to effectively impact NEPA review process. This impacts 100% of tribes.

Tribal General Assistance Program (GAP) Funding: A key tribal priority under the Sub-objective 5.3 is to increase funding under GAP to assist tribes in the following areas: building capacity to implement environmental programs to improve tribal health; training to obtain inspection credentials for tribal inspectors and to provide programmatic support for maintaining a viable inspection program; support to develop renewable energy; and, training to develop and implement a permitting process. It is also important to restructure GAP to allow more flexibility to implement programs. Smaller reservations, in particular, may not ever develop separate programs but still need a mechanism to perform basic implementation activities. Sub-objective 5.3 should maintain its discussion and targets on improving tribal capacity, and be expanded to address tribal funding issues. This issue affects all tribal programs.

Multi Media Pollution Prevention and Compliance Assistance for Small Businesses: One DEQ has a small business ombudsman for air quality issues. However, businesses need assistance in all areas of environmental compliance and in pollution prevention. This DEQ requests assistance in expanding the role of the small business ombudsman to include water quality and place an additional emphasis on pollution prevention. This priority would translate into more direct outreach to small businesses and local governments and result in less pollution of state waters. While some states nationally have expanded the role of the small business ombudsman many, most have not. Many region 8 states would benefit from this expansion of services.

3. Other Cross-Goal Issues:

Building State Capacity: Reductions in federal funding for core programs that are occurring concurrently with increases in the workload required of these delegated programs by EPA, represents a major state issue. States and EPA need to work collaboratively to address federal funding shortfalls for the delivery of environmental programs at the state level. We need to make strides in eliminating duplication and inefficiencies by jointly defining the relative roles, responsibilities, authorities and resources of the state and EPA. This includes jointly and collaboratively redefining regional oversight to ensure that federally authorized programs are conducted adequately with authorization agreements in the most efficient manner.

Standardization of Media Program Databases: As states consolidate their databases into statewide, enterprise-based systems, it becomes more problematic to communicate with EPA's unique databases. Standardization of EPA's databases would facilitate a more fluid exchange of information between states and EPA and bring consistency to the data gathered among programs.

Region 9 – Goal 5

Goal 5 - Compliance and Environmental Stewardship

Overall Comments:

- o **It is critical that BAS/APGs/Organizational Assessment measures are aligned to minimize the reporting burden on regions/states/tribes/Pacific Islands and to ensure that we are measuring environmental results.**
- o **Tribes constitute a high priority in Region 9. Key activities to develop and enhance tribal capacity for this goal and the other four goals (including providing adequate assistance and funds for those tribes seeking program approvals, authorizations, delegations, or Tribal Standards) are included in Goal 5, Objective 3 *Build Tribal Capacity*.**

Text from current Agency Strategic Plan:

Improve environmental performance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship. Protect human health and the environment by encouraging innovation and providing incentives for governments, businesses, and the public that promote environmental stewardship.

Objective 5.1 Improve Compliance

By 2008, maximize compliance to protect human health and the environment through compliance assistance, compliance incentives, and enforcement by achieving a 5 percent increase in the pounds of pollution reduced, treated, or eliminated, and achieving a 5 percent increase in the number of regulated entities making improvements in environmental management practices. (Baseline to be determined for 2005.)

New Input from Region 9, States/Tribes/Pacific Islands:

Priority: Achieve improved environmental compliance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship. Tools include compliance assistance and incentives, monitoring, and enforcement.

Impact: Probably does not require a change in the architecture.
Geographic scope: Arizona, California, Hawaii, Nevada, Tribes, Pacific Islands

Text from current Agency Strategic Plan:

Objective 5.2 Improve Environmental Performance through Pollution Prevention and Innovation

By 2008, improve environmental protection and enhance natural resource conservation on the part of government, business, and the public through the adoption of pollution prevention and sustainable practices that include the design of products and manufacturing processes that generate less pollution, the reduction of regulatory barriers, and the adoption of results-based, innovative, and multimedia approaches.

New Input from Region 9, States/Tribes/Pacific Islands:

Priority: Implement effective pollution prevention strategies and utilize innovative approaches that are results-based and are multimedia. Endorse and fund collaboratives of national significance. Develop stewardship principles to guide Agency work. Invest in innovations which the Agency has agreed to scale-up. Promote EPA's investment in PEER Centers. Promote investment in the Resource Conservation Challenge.

Impact: Probably does not require a change in the architecture.

Geographic scope: Arizona, California, Hawaii, Nevada, Tribes, Pacific Islands

Priority: Fully implement the Performance Track Program in Region 9, particularly Arizona and California, and develop incentives for implementation.

Impact: Probably does not require a change in the architecture.

Geographic scope: Regionwide

Text from current Agency Strategic Plan:

Objective 5.3 Build Tribal Capacity

Through 2008, assist all federally recognized tribes in assessing the condition of their environment, help in building their capacity to implement environmental programs where needed to improve tribal health and environments, and implement programs in Indian country where needed to address environmental issues.

New Input from Region 9, States/Tribes/Pacific Islands:

The following priorities represent input from the Regional Tribal Operations Committee and would probably result in an additional measure/subobjective in the architecture. The geographic scope is Tribes.

Priority: By 2011, 100% of Tribes are maintaining Environmental Programs

Priority: XXX% of Tribes monitor reservation environments (specific media monitoring programs would be integrated into the appropriate goals)

Priority: By 2011, increase implementation of environmental programs in Indian Country to 10% of all eligible programs as determined by EPA program delegations, approvals, or primacies issued to tribes and EPA direct implementation

Priority: XXX% of Tribes conducting an environmental regulatory system (not necessarily an EPA-approved program)

Region 10 – Goal 5

State and Tribal Comments from R10 on Goal 5: Compliance and Environmental Stewardship

Enforcement and Compliance is a Tool: Similar to ECOS's comment, the State of Oregon would favor moving the enforcement and compliance elements to the other four existing goals – Air, Water, Land and Healthy Communities and Ecosystems. This revision would link critical compliance and enforcement functions more closely to monitoring, inspecting, permitting, rulemaking and standard setting for each relevant program contained in the other four goals and would provide essential tools for achieving the environmental ends that we seek.

Suggested modification to NSP: Put enforcement & compliance elements in other four goals.

Comment provided by: State of Oregon.

Strengthen regional, state and tribal planning: This is especially important in Alaska, where building tribal capacity must be addressed in concert with the unique environmental and governmental situation of Alaska's tribes.

Suggested modification to NSP: Greater emphasis on regional, state and tribal planning.. Savoonga suggests that contacts with state and federal agencies is a measurable outcome – this includes conferences and problem-solving meetings)

Comment provided by: State of Alaska, Native Village of Savoonga

Establish balance between man and nature: Need to recognize the importance of achieving the balance between natural environment and what humans create. When the natural environment has been pushed to acceptable limit, we should back off if it pushes back.

Suggested modification to NSP: NSP should reflect a more holistic understanding of environmental stewardship.

Comment provided by: Traditional Village of Togiak.

Natural Disasters: Our stewardship of environment requires us to address implications of natural disasters and natural disaster preparedness. Additionally, we need more discussion of Emergency Planning and Preparedness. Emergency Planning and Preparedness seems to be buried in the 2003 version of the plan.

Suggested modification to NSP: Homeland Security does not adequately address preparedness for natural disasters. Either in Goal 5 or an addition to Homeland Security issues, add this as an objective.

Comment provided by: State of Idaho and Traditional Village of Togiak

How Information Was Gathered: In July, information on this exercise was presented at the Regional Tribal Operations Committee Meeting. In August, the Acting Regional Administrator sent letters to all the Directors of the State Environmental Programs and all Tribal Leaders requesting input on EPA's National Strategic Plan. Additionally, Region 10 GAP-grant coordinators transmitted similar requests to their tribal contacts. In September, this exercise was discussed at the Pacific Northwest Directors meeting that includes all the Directors of the State Agencies, Region 10's Regional Administrator and Director of the environmental programs for the Province of British Columbia and representatives from Environment Canada.